

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

Andrew Hedden, Robert Barnes, KL Shannon, Dr.	)	Case No.: 2:05 999 TSZ
	)	
John Bucher, Christopher Konkell, Terry Batterson,	)	PLAINTIFF WITHDRAWS
	)	REQUEST TO SEVER CASE OF THE LATE
et al,	)	TERRY BATTEPERSON, AND TO GRANT AN
	)	EXTENSION TO ALLOW APPOINTMENT OF A
Plaintiffs,	)	PERSONAL REPRESENTATIVE, AND TO
	)	ALLOW COUNSEL RICHMOND TO WITHDRAW
vs.	)	FROM THIS CASE FOR THIS PLAINTIFF.
	)	
City of Seattle, et al,	)	
	)	
Defendants	)	
	)	

Plaintiffs' Counsel WITHDRAWS their Request to Sever the case of Mr. Batterson and Appoint a Personal Representative.

Plaintiffs' Counsel has had the opportunity to further investigate the allegations they heard surrounding Mr. Batterson's death and Mr. Batterson's decision prior to this death. The best evidence indicates that Mr. Batterson's death was not a suicide, but was the result of a camping accident. Further Plaintiffs' Counsel has found no substantive evidence that Mr. Batterson was not making a knowledgeable decision when he instructed his counsel to drop this suit before his death. Plaintiffs' Counsel has reviewed these facts with WSBA ethics counsel, and WSBA ethics counsel has confirmed that under these circumstances, plaintiffs' counsel may safely dismiss this case and is under no obligation to appoint a personal representative.

Accordingly this request is withdrawn.

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2 .Respectfully submitted this 11<sup>th</sup> day of February, 2007.  
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4 /s/ Paul Richmond

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CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2007 I caused the attached documents  
WITHDRAWAL OF COUNSEL'S REQUEST TO SEVER PLAINTIFF TERRY BATTERSON AND  
APPOINT A PERSONAL REPRESENTATIVE  
to be filed through the Court's ECF filing system which will send notice to the following:

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Counsel for City Defendants, Stafford Frey Cooper

/s/ Paul Richmond, through ECF  
Paul Richmond